

# MEMORANDUM

August 29, 2007

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: MARK RUDY, ESQ.  
Veatch Carlson

NARBEH BAGDASARIAN  
Deputy County Counsel  
Health Services Division

RE: Johnnie Mae Williams v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 327533

DATE OF  
INCIDENT: March 6, 2001

AUTHORITY  
REQUESTED: \$250,000.00

COUNTY  
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

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## CLAIMS BOARD ACTION:

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Approve

☐

Disapprove

☒

Recommend to Board of  
Supervisors for Approval



, Chief Executive Office

ROCKY ARMFIELD



, County Counsel

JOHN F. KRATTLI



, Auditor-Controller

MARIA M. OMS

on September 17, 2007

## SUMMARY

This is a recommendation to settle for \$250,000.00 the medical negligence lawsuit brought by Johnnie Mae Williams, for the unnecessary removal of her uterus as a result of a diagnostic error at Martin Luther King-Drew Medical Center ("MLK").

## LEGAL PRINCIPLES

The County may be liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

## SUMMARY OF FACTS

In March 2001, Johnnie Mae Williams, a 40-year-old female, presented to MLK with gynecological complaints. On March 6, 2001, the MLK personnel performed a minor surgical procedure and obtained a tissue specimen from the patient's uterus for pathology examination.

The tissue sample obtained from Ms. Williams' uterus was taken to the pathology department. Due to a labeling error, another patient's tissue sample was marked with Ms. Williams' name. Thus, the pathologist reviewed and examined another patient's tissue slides believing that the tissue belonged to Ms. Williams.

Based on this labeling error, Ms. Williams was erroneously diagnosed with uterine cancer. Based on that diagnosis, on March 19, 2001, Ms. Williams underwent an operation whereby her uterus was completely removed. After the surgery, Ms. Williams' uterus was examined by the pathology department, and it was determined that the patient did not have cancer.

After being informed about the diagnostic error and realizing that the removal of her uterus was unnecessary, Ms. Williams brought a medical malpractice action against the County of Los Angeles. On October 10, 2005, a roundtable was held to discuss this case. On February 9, 2007, the County reached a tentative settlement with the plaintiff.

## DAMAGES

If this matter proceeds to trial, the claimant will likely seek the following:

Pain and Suffering	\$250,000.00
Past Medical Expenses	\$ 26,440.00
Future Medical Expenses	\$150,000.00
Lost Earnings (past and future), estimate	\$ <u>30,720.00</u>
TOTAL	\$457,160.00

The proposed settlement includes:

Total Recovery for the plaintiff	\$175,850.00
Costs and Attorney's Fees	<u>\$ 74,150.00</u>
TOTAL	\$250,000.00

### STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

This matter involved medical questions and issues surrounding the care and treatment rendered to Johnnie Mae Williams at MLK and the nature of her injuries. In addition to the normal discovery in such matters, it was necessary to retain several medical experts to review the care rendered by the County's personnel and the extent and cause of the plaintiff's injuries.

Expenses incurred by the County of Los Angeles in the defense of this case through August 28, 2007, are attorney's fees of \$125,680.00 and \$38,350.00 in costs.

The total cost to the County of Los Angeles as a result of this settlement is as follows:

Indemnity (Settlement Amount)	\$250,000.00
County Attorney's Fees and Costs	<u>\$164,030.00</u>
TOTAL	\$414,030.00

### EVALUATION

Medical experts will be critical of the error which led to the unnecessary removal of the plaintiff's uterus.

We join with our private counsel, Mark Rudy, Esq., and our claims administrator, Sedgwick Caronia, in recommending settlement in the amount of \$250,000.00.

The Department of Health Services concurs in this settlement.

APPROVED:



RICHARD K. MASON  
Assistant County Counsel  
Health Services Division

RKM:NB:bdv